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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,195	01/21/2004	Kia Silverbrook	RRA30US	2170

24011 7590 08/31/2006

SILVERBROOK RESEARCH PTY LTD
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AUSTRALIA

EXAMINER

GARCIA JR, RENE

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,195	Applicant(s) SILVERBROOK, KIA	
	Examiner Rene Garcia, Jr.	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 June 2006 has been entered.

Claim Objections

2. Claim 12 recites the limitation "restorative force" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 & 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (US 1,880,354) in view of Xiao et al. (US 6,120,138).

Mueller discloses the following claimed limitations:

*regarding claims 12 & 6-9, fluid dispenser/**fluid gun**/ (fig. 3) comprising:

*housing having first/**plunger, 8/** and second/**chamber, 6/** portions, the first portion/**8/** being moveable a maximum distance relative to the second portion/**6/** (fig. 3; plunger/**8/** can only move a distance of the length of the chamber)

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*deformable container of fluid/**bellows, 27/** (lines 85-98) within the housing, the container having an outlet/**plug, 28/** (fig. 3; lines 88-92) arranged to convey the fluid to a point external to the housing (fig. 3; lines 54-67; flows from bellows/27/ out through tubular duct/12/ and needle point/15/)

*resilient member/**compression spring, 21/** (fig. 3) engaging the housing and the deformable container/27/ wherein during use

*moving the first portion/**plunger, 8/** relative to the second portion/**chamber, 6/** deforms the resilient member/21/ such that its restorative force acts on the deformable container/21/ to cause egress of the fluid through the outlet (fig. 3; lines 37-53; plunger/8/ is forced to the right [with reference to drawing] while compressing the spring/21/ and when the trigger/23/ is released the compression spring/21/ expands forcing the plunger to the left compressing the bellows/27/)

*maximum distance the first portion/8/ can move relative to the second portion/6/ is associated with maximum possible restorative force that can act against the deformable container/21/, the restorative force subsequently decreasing with the egress of fluid from the outlet/28/ (fig. 3; compression spring/21/ forces plunger/8/ to compress bellows/27/ which is limited by distance within chamber/6/)

Mueller does not disclose the following claimed limitations:

*regarding claim 12, fluid dispenser is a printing fluid dispenser

Xiao et al. discloses the following:

*regarding claim 12, fluid dispenser/assembly, 100/ is a printing fluid dispenser/ink, 10/ (fig. 5; col. 2, lines 20-25)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a fluid dispenser which dispenses printing fluid as taught by Xiao et al. into Mueller for the purpose of refilling an printer ink cartridge with additional ink for further use.

Response to Arguments


5. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., resilient member engaging the housing and the deformable container in order to prevent over-pressurization) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


Communications with the USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Rene Garcia Jr
08/06


STEPHEN MEIER
SUPERVISORY PATENT EXAMINER